

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PICTURE PATENTS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
	)	Civil Case No. 07cv5567
	)	
AEROPOSTALE, INC., DICK'S	)	AFFIDAVIT NO. 2 IN SUPPORT OF
SPORTING GOODS, INC., CHARLOTTE	)	PLAINTIFF'S OPPOSITION TO
RUSSE, INC., GSI COMMERCE	)	DEFENDANTS' MOTION TO
SOLUTIONS, INC., FOGDOG, INC.,	)	DISMISS
NATIONAL BASKETBALL	)	
ASSOCIATION, INC., NBA	)	
PROPERTIES, INC., NBA MEDIA	)	
VENTURES, LLC, MAJOR LEAGUE	)	
BASEBALL PROPERTIES, INC., MLB	)	
ADVANCED MEDIA, L.P., LINENS 'N	)	
THINGS, INC., TWEETER HOME	)	
ENTERTAINMENT GROUP, INC.,	)	
TWEETER NEWCO, LLC, TWEETER	)	
OPCO, LLC, BUY.COM, INC.	)	
	)	
Defendants.	)	
	)	

Srilakshmi M. Ravi, being duly sworn, deposes and states:

1. I am a New York resident, living at 150 East 44<sup>th</sup> Street, Apt. 37G, New York, NY 10017.
2. On March 27, 2008, I accessed the Defendants' interactive website, [www.tweeter.com](http://www.tweeter.com). The Defendants' website allowed me to request Tweeter expert consultation services online, from New York.
3. The Tweeter website also allows New York customers to e-mail the Defendants with questions and receive a response from a Tweeter representative. The Tweeter website

allows New York customers to order a catalog and submit orders by phone via a toll-free number for shipping anywhere throughout the United States.

4. On March 27, 2008, I visited the [www.tweeter.com](http://www.tweeter.com) website and clicked on the "Services" tab, which in turn took me to the <http://www.tweeter.com/services/> webpage.

5. On this webpage, Tweeter described its in-home consultation service in which a "Tweeter Specialist" was to contact me via telephone first and later in person at my home, and provide consultation services related to the custom design of audio and video electronics systems for my home.

6. This webpage included a hyper link entitled "Free In-Home Consultation" which, when clicked, linked me to <http://www.tweeter.com/installation/solution.asp>, a webpage entitled "Consultation Information," in which I input my contact information to receive the in-home consultation services.

7. The Consultation Information webpage included a drop-down menu which allowed me to select the state in which I may be contacted. This drop down menu included New York as one of the options, indicating that Tweeter serves customers in New York.

8. Shortly after completion of the requested information on this webpage, I received an email from the Installation and Design Team at Tweeter informing me that I would receive a call within three business days from one of Tweeter's Installation and Design service specialists to set up an appointment for a consultation. A true and correct copy of the email received from Tweeter dated March 27, 2008, is attached hereto as **Exhibit A**.

9. Neither the Tweeter website nor the email message from the Tweeter Installation and Design Team provided any indication that consultation services are not performed within New York, nor did the email confirmation I received specify any errors in my request for

services to be provided in New York.

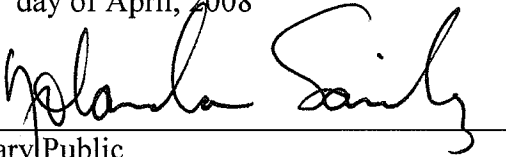
I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.

Dated this 14<sup>th</sup> day of April, 2007.



Srilakshmi M. Ravi  
150 East 44<sup>th</sup> Street  
Apt. 37G  
New York, New York 10017  
(646) 649-3472 (phone)  
srilumr@yahoo.com

Sworn to before me this  
14<sup>th</sup> day of April, 2008



Notary Public

YOLANDA SANCHEZ  
Notary Public, State of New York  
No. 01SA6157467  
Qualified in Bronx County  
Commission Expires Dec. 11, 2010